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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212653
Party	Plaintiff Nautica Apparel, Inc.
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Filer's Name	Neil B. Friedman
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Signature	/Neil B. Friedman/
Date	02/24/2014
Attachments	Brief in Opposition to Applicant's Motion to Compel.pdf(59574 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

X		
NAUTICA APPAREL, INC.,		Opposition No.: 91212653
Opposer, v.	:	1
MAJESTIQUE CORPORATION,	:	Mark:
Applicant.	:	Ser. No. 85883577
X	•	

OPPOSER'S BRIEF IN OPPOSITION TO APPLICANT'S MOTION TO COMPEL

Nautica Apparel, Inc. ("Opposer") submits this brief in opposition to Majestique Corporation's ("Applicant") Motion to Compel Discovery.

On December 20, 2013, Applicant served Opposer with its First Set of Requests for Admissions, Interrogatories and Document Requests by email and mail.

On December 2013, Opposer contacted counsel for the Applicant advising that Applicant's discovery demands are objected to and rejected in their entirety based upon Applicant's failure to comply with initial disclosure requirements set forth in 37 CFR 2.120. A copy of Opposer's letter is attached as Exhibit A. Indeed, the Requests were returned to Applicant's attorney.

To date, Applicant has not served its Initial Disclosures.

Since serving its requests on December 20, 2013, Applicant has never contacted Opposer or its counsel to discuss Applicant's discovery requests. As such, Applicant may not claim that any effort, let alone a good faith effort has been made as required prior to making the instant motion to compel.

Applicant's Motion to Compel Discovery is without legal basis and seems to have been made in response to Opposer's Motion to Compel which was filed and served on February 17, 2014.

CONCLUSION

WHEREFORE, Opposer respectfully requests that Applicant's Motion to Compel Discovery be denied.

Dated: February 24, 2014

Respectfully submitted for Opposer,

NAUTICA/APPAREL,

By:

Neil B. Friedman BAKER & RANNELLS, P.A. 575 Route 28, Suite 102 Raritan, NJ 08869

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BAKER AND RANNELLS, P.A.

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PLEASE RESPOND TO THE NEW JERSEY ADDRESS
EMAIL: N.FRIEDMAN@BR-TMLAW.COM

December 23, 2013

VIA FIRST CLASS MAIL

Gino Negretti, Esq. 670 Ponce De Leon Ave. Caribbean Towers, Ste. 17 San Juan, Puerto Rico 00907-3207

Re:

Application Serial No. 85883577

Mark:

Applicant: Majestique Corporation

Opposition No. 91212653

Dear Mr. Negretti:

We are writing on behalf of our client Nautica Apparel, Inc. ("Nautica"). I am in receipt of your email dated December 20, 2013 by which you served the enclosed discovery demands upon Nautica. Your discovery demands are objected to and rejected in their entirety based upon your failure to comply with initial disclosure requirements set forth in 37 CFR 2.120.

Very truly yours,

Neil B. Friedman

NBF:ab Enclosures

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent to attorneys for Applicant this 24th day of February 2014 via first class mail, postage prepaid, to the following:

GINO NEGRETTI LAW OFFICES 670 PONCE DE LEON AVE. CARIBBEAN TOWERS, STE. 17 SAN JUAN, PR 00907-3207

Neil B. Friedman